

ABSTRACT

[illegible]

G.O.Rt.No.492

Dated:14-07-2008

1) From the Director, Adult Education, AP, Hyd., Lr.Rc.No.2152/A1/DAE/ 2007-1, dated.05-05-2008.

X-X-X

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule(2) of Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 for instituting departmental proceedings against Sri Md.Jan, Deputy Director of Adult Education, (Retd.), Ananthapur District vide G.O.2nd read above, it is proposed to hold an enquiry against the said Sri Md.Jan in accordance with the procedure laid down in Rule 20 of the A.P.C.S.(CCA) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge(Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed(Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed(Annexure-III and IV).

3. Sri Md.Jan, Deputy Director of Adult Education, (Retd.) is directed to submit within 10 days of the receipt of this memorandum, a written statement of his defence and also to state whether he desires to be heard in person.

4. He is informed that an inquiry will be held only in respect of those articles of charges are not admitted. He should, therefore specifically admit or deny each article of charge.

5. Sri Md.Jan, is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 20 of the A.P.C.S.(CCA) Rules, 1991 or the orders /directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him *exparte*.

6. The receipt of this G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.R.GARG
PRINCIPAL SECRETARY TO GOVT.(RVM)

To
Sri Md.Jan, Deputy Director of Adult Education (Retired), Ananthapur District,
through the Director, Adult Education, AP, Hyderabad.
The Director, Adult Education, AP, Hyderabad.

//Forwarded::By order//

Section Officer

ANNEXURE-I

Statement of Articles of charge framed against Sri Md.Jan, Retired, Deputy Director of Adult Education, Ananthapur District.

Article of charge:

That Sri Md.Jan, while functioning as Deputy Director of Adult Education/Secretary, Zilla Saksharatha Samithi, Ananthapur committed major financial irregularities in Zilla Saksharatha Samithi, Ananthapur allowing supply of substandard material and recommending for release of EMD & Security deposit amount to M/s.Pavan Trades, Ananthapur deliberately, though the said agency has violated the conditions of the agreement by supplying inferior quality of Almirahs and Cycles without Dynamo to CECs thereby causing loss to the exchequer.

Thus Sri Md.Jan by his above mentioned acts has exhibited lack of integrity devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3 of the A.P.C.S(Conduct) Rules, 1964.

D.R.GARG
PRL.SECRETARY TO GOVT.(RVM)

SECTION OFFICER

ANNEXURE-II

Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Sri Md.Jan, Retired, Deputy Director of Adult Education, Ananthapur District.

It was brought to the notice of the Government that certain irregularities in purchase of supply of Almirahs and Cycles to CECs/NCECs and misappropriation of Government funds occurred during the year 2006 and the Deputy Director, Adult Education Department, Anantapur District deliberately favoured the supplying agency in supply of substandard material thereby causing loss of Government funds.

2. The Director, Adult Education, AP, Hyd., has released an amount of Rs.1,97,53,874/- to Ananthapur District for purchase of Almirahs, Cycles and Sports material to 1745 CECs and 193 NCECs in the district at the rate of Rs.3,458/- per CEC and Rs.6,006/- per NCEC respectively.(Annexure-1) Accordingly the Dist.Collector & Chairman, ZSS, Ananthapur while releasing the funds to all CECs and NCECs in the District instructed all the Mandal Literacy Organizers to strictly adhere to the guidelines in utilization of funds and fix-up the responsibility on MLOs concerned for strict implementation of the programme without any deviation.(Annexure-2). The Government have also nominated the MLOs for utilization of ZSS funds vide G.O.Rt.No.114, dt.23-1-06 (Annexure-3).

3. Accordingly, the District Purchase Committee has approved the following specifications for Almirahs and Cycles and resolved to invite short tenders for supply of the material.

Almirahs:

S.No.	Specifications	Big Size	Small Size
1.	Number required	193	1745
2.	Gauge	18	18
3.	Height	6 feet	4 ½ feet
4.	Depth	17.18	17.16
5.	Shelves	5 fixed shelves with 6 compartments	3 fixed shelves with four compartments
6	Doors, Sides, Legs	18 Gauge	18 Gauge
7.	Lock	Godrej type 8 levers	Godrej type 8 levers
8	Rate		

Cycles

Number Required: 193
Model : Hero Cycle
Height 22” for Gents & 20” for ladies
Specifications Bell, Lock, Middle stand, Carriage, Full Chain Cover etc.

4. A short tender notice was published for supply of Almirahs and Cycles (with Dynamo) to CECs and NCECs with the above specifications. M/s. Pavan Traders, Anantapur was the successful bidder for supplying 1745 Almirahs of small size each @ Rs.1850/- and 193 Cycles each @ Rs.2495/- . M/s. Pavan Traders, Anantapur entered into agreement with the Deputy Director, Adult Education for supply of material on the following terms and conditions:

- Unit cost approved by the Dist.Purchase Committee is inclusive of all taxes and transportation charges.
- The process of supply of material to Mandal points should be completed before 25-3-06.
- Before supplying the material to Mandal points the agency has to dump the material at district head quarters Anantapur for verification of the material by the Committee.
- The EMD and security deposits should be refundable to the agency only after six months after delivery of the material.

However, contrary to the terms and conditions of the agreement, M/s.Pavan Traders, Anantapur did not complete the process of supplying the material till January, 2007 and the Almirahs and Cycles supplied to CECs and NCECs are not in accordance with the specifications and are made with substandard material.

5. The Legal Metrology Department also verified 32 CEC/NCECs at random and found that the supplied material was not in accordance with the specifications in terms of Guage and Weight.(Annexure-7).

6. The Preraks of CECs/NCECs and MLOs of Mudigubba, Kadiri(U),Tanakallu, Nallacheruvu, Kadeiri(R), Bathalapalli, Dharmavaram (R) ,Beluguppa Rayadurgam, Guntakal, have clearly stated that the supplied material was of inferior quality and also stated that the Cycles supplied to them were not provided with Dynamo.(Annexure-8)

7. It was also noticed that the MLOs of Anantapur Rural & Urban, Bathulapalli, Tadimarri, Atmakur and Penukonda Mandals did not purchase the Almirahs from M/s.Pavan Traders because the said agency has been supplying substandard material. On the other hand the Deputy Director, Adult Education, Anantapur has instructed the MLOs of above 6 Mandals to purchase the Almirahs with weight of not less than 25 Kgs, at the rate specified by Purchase Committee, which is against the specified weight of 50 Kgs approved by the Dist.Purchase Committee. Hence, it is construed that the Dy.Dir., Adult Education, Anantapur has intentionally violated the conditions of the agreement.(Annexure-14).

8. It is also found that Sri S.A.Basha, MLO, Kadiri has withdrawn an amount of Rs.20,350/- towards purchase of 11 Almirahs from 11 CECs and received only 2 Almirahs from M/s.Pavan Traders while releasing payment for all 11 Almirahs without receiving the remaining 9 Almirahs and he has admitted that he has not informed the matter to his higher authorities.(Annexure-13).

9. M/s.Pavan Traders did not dump the material for verification at Dist.Purchase Committee and the Dy.Dir., Adult Education did not bring the matter to the notice of the DPC regarding the violations of agreement by the Agency, on the other hand recommended for release of EMD and security deposit to M/s.Pavan Traders though the Agency has violated the agreement conditions.(Annexure-7)

10. It is also informed that the DPC, Anantapur has placed orders for supply of 193 big size Almirahs to 193 NCCs @ 3950/- each with M/s.Kawas Furnitures & Bics Ltd., Hyderabad based on the tender schedule filed by the said agency. As M/s.Kawas Furniture & Bics, Hyderabad failed to supply the material within stipulated time, the DPC cancelled the order given to them and entrusted M/s.Pavan Traders, Anantapur though he is already a defaulter in supply of material.(Annexure-10)

11. It was also found that the M/s.Pavan Traders, has obtained APGST and CST from the Commercial Tax Deptt., in the month of December, 2005 and submitted returns up to Mar'06 only. The Commercial Tax Deptt, cancelled the APGST of the firm in the month of June 2006 for not filing the mandatory returns. Hence, it is evident that the agency has obtained the APGST and other registrations for the purpose of getting the tender called by Adult Education department, Anantapur. It is pertinent to mention that the DPC did not verify the authenticity of the firm before finalizing the tender to M/s.Pavan Traders, Anantapur and the Written State of Defence of the Charged Officer is still awaited.

12. In this regard the following findings are brought to the notice of the Government in the matter.

1. M/s.Pavan Traders, Anantapur has supplied substandard quality Almirahs and Cycles without Dynamo to all CECs in violation of the agreement conditions, which caused misappropriation of Government money.

2. The Deputy Director, Adult Education, Anantapur has recommended for release of EMD and security deposit to M/s.Pavan Traders, though the agency has not supplied the material as per the conditions of the agreement, which clearly shows that the Deputy Director, Adult Education, Anantapur has deliberately favored the agency and caused loss to exchequer.
3. The Deputy Director, Adult Education, Anantapur did not conduct the physical inspections to verify the quality of the material though he is aware of the irregularities in supplying the material to CECs.
4. The District Purchase Committee has placed orders to M/s.Pavan Traders, Anantapur for supply of big size Almirahs though M/s.Pavan Traders, Anantapur is already defaulter in supply of small size Almirahs and Cycles, which is irregular.
5. The Deputy Director, Adult Education, Anantapur has instructed the MLOs of Anantapur Rural & Urban, Bathupalli, Tadimarri, Atmakur and Penukonda Mandals to purchase the Almirahs against the approved specifications(not less than 50 Kgs.) by District Purchase Committee which is irregular.
6. Sri Y.A.Narayana Reddy, Proprietor, M/s.Pavan Traders, Anantapur expired during March, 2007.

D.R.GARG
PRL.SECRETARY TO GOVT.(RVM)

SECTION OFFICER

ANNEXURE-III

List of documents by which the articles of charge framed against Sri Md.Jan, Retired Deputy Director of Adult Education, Ananthapur.

1. Proceedings of the Director, Adult Education, AP, Hyderabad dt.12-12-2005.
2. Instructions of the District Collector, Anantapur.
3. G.O.Rt.No.114, dt.23-2-06.
4. Copy of Note file approved by the District Collector, Anantapur for purchase of material to CECs and NCECs.
5. Copy of Short tender notice.
6. Copy of Agreement.
7. Copy of office note submitted by the Deputy Director Adult Education, Anantapur recommending for release of EMD to M/s.Pavan Traders.
8. Proceedings of the Joint Collector, Anantapur placing orders to M/s.Pavan Traders, Anantapur again for supply of big size Almirahs.
9. Copy of letter addressed by Deputy Commissioner, Commercial Tax, Anantapur.
10. Circular Rc.No.489/ZSS/A/05, dt.8-2-07 of Deputy Director Adult Education, Anantapur.

D.R.GARG
PRL.SECRETARY TO GOVT.(RVM)

SECTION OFFICER

ANNEXURE-IV

List of witnesses by whom the articles of charge framed against Sri Md.Jan, Retired Deputy Director of Adult Education, Ananthapur are proposed to be sustained:

- 1) Regional Vigilance & Enforcement Officer, Ananthapur District.

D.R.GARG
PRL.SECRETARY TO GOVT.(RVM)

SECTION OFFICER